IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4595 of 1999

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ARVINDBHAI MOTIBHAI PATEL - Petitioner(s)

Versus

DISTRICT ELECTRICAL ENGINEER & 2 - Respondent(s)

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Appearance :

MR MTM HAKIM for Petitioner(s) : 1,
MR UM SHASTRI for Respondent(s) : 1,
MR JC SHETH for Respondent(s) : 1,
MR RAMNANDAN SINGH for Respondent(s) : 1,
RULE NOT RECD BACK for Respondent(s) : 2,
MR HM PARIKH for Respondent(s) : 3,
MR.HEMANG H PARIKH for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 13/01/2006

ORAL JUDGMENT

It appears from the record that pursuant to the impugned order passed by this Court, the respondents deposited an amount of Rs. 6,12,441/=,

which, according to the respondents, was due and payable under the award and the said amount has been paid to the petitioners by Account Payee Cheque by order dated 27.4.2001 passed in Civil Application No. 5016 of 2001. Shri MTM Hakim, learned advocate appearing for the respective petitioners has submitted that still some more amount is due and payable by the respondents under the award. It is required to be noted that for the said amount the petitioner preferred Civil Application No. 8286 of 2001 in the present Special Civil Application which came to be dismissed by the learned Single Judge of this Court [Coram: Jayant Patel, J.] by order dated 15.4.2002 by observing that if the petitioner has any dispute regarding calculation of amount to be recovered it would be open for the petitioner to move the executing court by filing proper application. Under the circumstances, if there is any dispute regarding calculation of the amount to be recovered it will be open for the petitioner to move the Executing Court by filing appropriate application. In view of the fact that the amount of Rs. 6,12,441/= was deposited and paid to the petitioner under the award, no further order is required to be passed in the present Special Civil Application. It is, however, observed that if the petitioner has still any dispute with regard to calculation of the amount to be recovered, it will be open for the petitioner to approach the Executing Court by filing appropriate application. With these observations and direction, the Special Civil Application is disposed of. Rule

is discharged.

[M.R. Shah, J.]

RMR.